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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,059

Applicant(s)

ZECHLIN, OLIVER

Examiner

Julio R Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by applicant's submission of prior art Urby et al. (WO9856197).

Regarding claim 1, Urby et al. disclose a method for optical information presentation on information, on a mobile device, comprising: providing a graphics/text presentation, for use with stored graphics and/or graphics elements used in the mobile device (page 3, lines 25-29; page 4, lines 12-17, the system provides means for graphical representation of stored elements on the portable personal computer; calling up the stored graphics and/or graphics elements via address and position data transmitted with text information, and positioning them on an optical display unit (page

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3, lines 25-30; page 4, lines 1-5; page 5, lines 15-20; page 11, lines 1-9, stored graphical information together with sent text information may displayed on the PPC screen) ; and assigning a predetermined number of channels for each category of the information to an additional service, each channel allocated a respective specific set of stored graphics and/or graphics elements (page 5, lines 22-28; page 6, lines 4-9; page 8, lines 17-22; page 11, lines 1-9, page 12, lines 26-30; page 13, lines 1-30; page 14, line 1; page 15, lines 7-9, the system transmits information using multiple channels to take advantage of using the bandwidth for distributing a wide range of informational data together with SMS to a variety of users).

Regarding claim 4, Urby et al. disclose an arrangement for providing information presentation on information on a mobile device, the mobile device comprising: a graphics selection memory to store graphics and/or graphics elements (page 4, lines 20-21; page 5, lines 1-5 and 12-17; page 10, lines 21-29; page 14, lines 23-27, the memory in the PPC may store a selection of graphical information); and a selection device to select predetermined channels, and associated graphics or graphics elements (page 5, lines 5-7, different information symbols or graphical information may be selected individually regarding weather, traffic, banking information, for instance).

Regarding claim 5, Urby et al. disclose the arrangement, wherein the information is presented on an accessory, which has an alphanumeric keypad or a touch screen (page 3, lines 25-29; page 4, lines 7-17, portable computers comprise entry keys for user input or request information).

Regarding claim 6, Urby et al. disclose the arrangement, wherein the accessory is connected to the mobile device terminal via an infrared path or a radio transmission path (page 4, lines 12-20; page 10, lines 12-16, the portable personal computer communicates with a mobile station via short message service).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urby et al. (WO9856197) in view of admitted prior art.

5. Regarding claim 2, Urby et al disclose the method, wherein stored graphics and/or graphics elements are updated by memory interchange after downloading from a GSM network (Page 3, lines 29-30; page 5, lines 9-10; page 7, lines 14-16; page 8, lines 13-15; page 11, lines 10-30; page 12, lines 1-24; page 14, lines 20-27) and further disclose wherein other wider communications networks may be used to send and receive messages (page 2, lines 3-6).

Urby et al. fails to specifically disclose the network being an IP network.

However, as admitted by applicant such a network in connection with a GSM network is well known (See page 8, lines 24-26 of specification).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to implement the system as taught by Urby et al. with downloading capabilities from an IP network because it would provide the system with an alternate approach to update stored elements into memory.

Regarding claim 3, the combination Urby et al. and admitted prior art disclose the method, wherein at least one predetermined channel is used as an information channel for available updates for the terminal software (Urby, page 7, lines 14-16; page 8, lines 13-15; page 12, lines 5-25; page 14, lines 20-27, updated can be performed through a narrow-band channel).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to mobile devices with graphical functions and text transmission systems with graphical capabilities.


US Pat. No. 6026289 to Zellner et al.	Wireless broadcast on shared channels
US Pat. No. 6049711 to Ben-Yehezkel et al.	Providing location-based information
US Pat. No. 6600930 to Sakurai et al.	Information provision system
US Pat. No. 6201974 to Lietsalmi et al.	Index fro cell broadcast service
US Pat. No. 6351647 to Gustafsson	Location-dependent services in a mobile system
US Pat. No. 6349203 to Aaoka et al.	Information center menu for updating
US Pat. No. 6108533 to Brohoff	Geographical database fro radio system

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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7/2/04


TEMICA M. DAVIS
PATENT EXAMINER